

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:13-cv-00230-MR-DLH**

**BRIAN JOEL JENNINGS,**

**Plaintiff,**

**vs.**

**CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the parties' Motions for Summary Judgment [Docs. 11, 14] and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On August 8, 2014, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the parties' motions. [Docs. 11,

14]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation [Doc. 16], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Commissioner's Motion for Summary Judgment [Doc. 14] should be granted, the Plaintiff's Motion for Summary Judgment [Doc. 11] should be denied, and the Commissioner's decision should be affirmed.

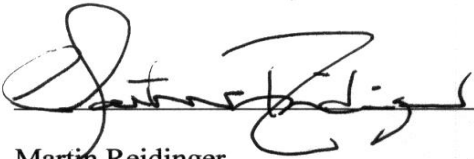
### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 16] is **ACCEPTED**; the Plaintiff's Motion for Summary Judgment [Doc. 11] is **DENIED**; the Commissioner's Motion for Summary Judgment [Doc. 14] is **GRANTED**; the Commissioner's decision is **AFFIRMED**; and this case is hereby **DISMISSED**.

A judgment shall be entered simultaneously herewith.

**IT IS SO ORDERED.**

Signed: August 28, 2014

  
Martin Reidinger  
United States District Judge

